

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN WITTMAN,

Plaintiff,

v.

Case Number 14-12954

Honorable David M. Lawson

Magistrate Judge R. Steven Whalen

ROSEMARY REAUME, R. DAVONPORT,
RICK RAYMOND, CORIZON HEALTH,
INC., DANIEL H. HEYNS, and THOMAS
R. COMBS,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
TRANSFERRING CASE TO THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN**

Presently before the Court is the report issued on February 19, 2015 by Magistrate Judge R. Steven Whalen pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the motions to transfer venue filed by the defendants and transfer the case to the Western District of Michigan. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #35] is **ADOPTED**.

It is further **ORDERED** that the defendants' motions to dismiss or in the alternative to transfer venue [dkt. #5, 19] are **GRANTED IN PART**. The Clerk of the Court shall **TRANSFER** this case to the United States District Court for the Western District of Michigan. The motions are **DENIED** in all other respects.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: March 10, 2015

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 10, 2015.

s/Susan Pinkowski
SUSAN PINKOWSKI